



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF A-T-, INC.

DATE: OCT. 18, 2018

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an IT consulting company, seeks to employ the Beneficiary as a senior systems analyst. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant category. See Immigration and Nationality Act section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based “EB-2” immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Texas Service Center denied the petition on multiple grounds. The Director found that the Petitioner did not establish that a *bona fide* job offer existed for the Beneficiary or that the Beneficiary had at least five years of qualifying experience as required by the labor certification. In addition, the Director found that the Petitioner did not establish its continuing ability to pay the proffered wages of the instant Beneficiary and the beneficiaries of its other Form I-140, Immigrant Petitions for Alien Workers, from the priority date of this petition onward.

The Petitioner filed an appeal on Form I-290B, Notice of Appeal or Motion. At Part 3.1.b. of the Form I-290B the Petitioner indicated that a brief and/or additional evidence would be submitted to this office within 30 days. Part 4 of the Form I-290B instructed the Petitioner, in pertinent part, as follows:

On a separate sheet of paper, **you must provide a statement** regarding the basis for the appeal or motion. You must include your name and A-number or USCIS ELIS Account Number on the top of each sheet.

**Appeal:** Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed.

Despite these instructions on the Form I-290B, the Petitioner did not provide any statement with the appeal. Nor did the Petitioner submit a brief and/or additional evidence within 30 days, despite indicating that it would do so on the Form I-290B. As of the date of this decision, no further evidence or communication of any kind has been received from the Petitioner.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) provides that an appeal shall be summarily dismissed “when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

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In this case the Petitioner has not identified any erroneous conclusion of law or erroneous factual findings in the Director's decision. In accordance with 8 C.F.R. § 103.3(a)(1)(v), therefore, we will summarily dismiss the appeal.

**ORDER:** The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of A-T-, Inc.*, ID# 1886840 (AAO Oct. 18, 2018)